

REMARKS

I. Status of Claims

Upon entry of this amendment, claims 30, 32-39, 42-59, 61-65, and 67 are pending in the present application. Claims 31 and 60 has been canceled without prejudice or disclaimer. Applicant reserves the right to prosecute the subject matter recited in the presently and previously canceled claims in a continuation application. Claims 30, 32-39, 42-59, 61-65, and 67 have been amended to recite "an aerosol composition." Support for this amendment can be found throughout the specification and claims, e.g., in the specification, page 14, line 16 - page 15, line 5.

The support for the amendment to claims 30 and 65 reciting "at least one grafted silicone polymer and . . . at least one aqueous dispersion . . . present in the aerosol composition in a combined amount effective for fixing a keratin substance" can be found at, *inter alia*, page 2, lines 10-19.

Claims 42 and 43 have been amended to correct a dependency on a previously canceled claim.

Claims 61, 62, and 63 have been amended to cancel certain subject matter recited in these claims. Applicants, however, reserve the right to prosecute this canceled matter in a continuation application.

Applicants acknowledge and thank the Examiner for withdrawing the rejection of claims 33-39, 42, 43, 63, and 67 under 35 U.S.C. § 103(a) over WO 94/21224 to Cauwet et al. in view of WO 93/23009 to Kumar et al. ("*Kumar*").

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II. Arguments

The Examiner has maintained the rejection of claims 30-39 and 42-67 under 35 U.S.C. § 103(a) as unpatentable over *Kumar* in view of U.S. Patent No. 5,417,965 to Janchitraponvej et al. ("*Janchitraponvej*"), for the reasons disclosed on page 2 of the Advisory Action dated July 29, 2003. Applicants continue to disagree with this rejection, particularly in light of the current amendment.

The M.P.E.P. requires that, for a combination of references to be effective under § 103, the references taken together must teach or suggest each and every limitation recited in the present claims. M.P.E.P. § 2143.03. This requirement is not met here.

Applicants' claim 30, as amended and as an example of what is claimed, recites, among other things, at least one grafted silicone polymer and at least one aqueous dispersion as claimed. As argued of record, *Kumar* fails to teach the presently claimed at least one aqueous dispersion and it also fails to teach any aqueous dispersion, let alone that presently claimed, together with at least one grafted silicone polymer in an aerosol composition in a combined amount effective for fixing a keratin substance.

Janchitraponvej does not cure these deficiencies. *Janchitraponvej* has nothing to do with aerosol compositions or with compositions for fixing keratin substances. Rather, *Janchitraponvej* is directed to hair conditioning shampoo compositions with the added advantage of providing high foam as well as conditioning benefits. Col. 1, lines 35-47. Thus, even if *Janchitraponvej* was combined with *Kumar*, the combination still would not result in the present invention, i.e., there is no teaching or suggestion of the two claimed components present in a combined amount effective for fixing a keratin substance. For

at least these reasons, Applicants respectfully request that the remaining rejection be withdrawn.

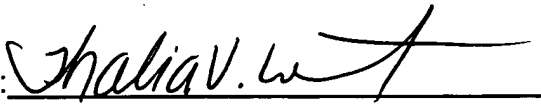
III. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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